

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Dogwood Road, 170'
NW of Wrights Mill Road
2nd Election District
1st Councilmanic District
Alan Shechter, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-7-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the removal of a special exception previously granted in Case No. 5081-XA to permit the use of the property as a cemetery, in accordance with Petitioner's Exhibit 1.

The Petitioners, Alan Shechter, Legal Owner, and Steven S. Koren, President, Koren Realty Corporation, Contract Purchaser, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were C. Wayne Caples, Project Manager for Koren Realty Corporation, and David S. Thaler, Engineer with D. S. Thaler and Associates, Inc. Appearing as Interested Parties were Deborah Stein, Erich March, Robert Hocutt, President, Greater Patapsco Community Association, Mary Lou Butler, and Linwood Johnson with the Office of Planning. Phyllis Friedman, Esquire also appeared on behalf of the People's Counsel for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, located on Dogwood Road between Kratz Lane and Wrights Mill Road, consists of 169 acres more or less zoned R.C. 3 and is presently unimproved. Said property, formerly known as Green Sanctuary Memorial Park Cemetery, was the subject matter of previous Case No. 5081-X wherein Petitioners were granted a special exception to use the property as a cemetery on November 17, 1960. Thereafter,

in approximately 1973, 50 acres were sold to the March family to establish the existing cemetery, known as King Memorial Park. Testimony indicated that by letter dated October 14, 1983, Mr. Shechter requested the Zoning Office verify that the special exception granted the entire site in 1960 would not be affected by the sale of the 50-acre tract and indicated the remaining 169 acres had been and would continue to be used as a cemetery. Mr. Shechter testified he was later advised that the remaining 169 acres had not been used as a cemetery, and subsequently wrote the Zoning Office on July 12, 1984 that although original plans called for such use, no burials on the 169-acre tract ever took place. Testimony indicated that in fact, only one burial was made on the site and that said burial was located within the 50-acre tract sold to King Memorial Park. Mr. Shechter testified that inasmuch as only one burial was required to establish the special exception use previously granted the entire 219 acres, the special exception use on the 50-acre tract would remain in tact and not adversely affect the proposed use of the 169 acres. Petitioners are desirous of removing the special exception on the subject 169 acres to permit the development of single family dwelling units thereon, in accordance with Petitioner's Exhibit 5.

Mr. Koren testified that his firm obtained preliminary CRG approval for the proposed development pending removal of the special exception on the 169 acres. Testimony indicated the conflicting correspondence set forth above surfaced during the pre-CRG hearing at which time Mr. Koren asked Mr. Shechter to confirm the proposed development of the 169 acres would be a valid use. Mr. Koren testified his company has performed a variety of percolation tests and on-site inspections, and, finding no physical evidence, have determined that there are no burial sites on the

- 2 -

subject property. Testimony indicated that, in fact, the percolation tests were done prior to Petitioners being made aware of the possibility that burial sites might exist on the property. Mr. Koren further testified that other efforts to verify there were no burials on the property included a records search which revealed no permits were ever issued for burials on the site. Based upon there being no permits, and the results of their field inspections and percolation tests, Mr. Koren concluded the 169 acres were not used as a cemetery.

Mr. Caples testified that he became aware of conflicting correspondence at the pre-CRG hearing. Testimony indicated that following a site visit to the property during which a 4-wheel drive vehicle was used to inspect the site, it was Mr. Caples' opinion that given the topography of the land, existing trees and overgrowth on the property, it was highly unlikely that any burial sites existed on the property.

Mr. Thaler testified that his firm was hired to assist Petitioner in planning the housing development. Testimony indicated that he completed a title search of the entire 219-acre tract during which he found no record of any sale of grave sites from the subject 169 acres. Further, he testified that he had been all over the property and found no shred of evidence that any grave sites existed. Mr. Thaler testified that percolation tests were conducted over the entire 169 acres and that in his opinion, the subject property has not been used as a cemetery.

Mary Lou Dorsey-Butler appeared and testified as an Interested Party. She testified that she had been made aware of the instant case by Linwood Johnson, a representative of the Office of Planning, who had been actively working on historic African communities. Ms. Butler indicated she was concerned that the proposed development might disturb existing

- 4 -

unmarked burial sites on the property, which was originally owned by the Worthington family who owned approximately 1200 slaves. Testimony indicated that a recent family reunion resulted in a search of the family's history which revealed the possibility that the remains of some of her ancestors might be buried on the subject site. Ms. Dorsey was unable to produce any substantive evidence of any burials on the property.

Linwood Johnson testified on behalf of the Office of Planning and Ms. Butler. He testified that his work on historic African communities has made him knowledgeable about traditional black settlements in Baltimore County. Mr. Johnson indicated that when he read an account of Ms. Butler's family reunion in the Baltimore Sun, he made a mental connection between the Dorseys in Randallstown and the Dorsey slaves owned by the Worthington family. He testified that he and other representatives from the Planning Office have walked the subject property and while they made no discoveries, found the subject site is located adjacent to the Kahler farm on which the remains of the Worthington family are buried. Mr. Johnson and Ms. Butler asked that Petitioners proceed with the proposed development with caution.

Erich March, an interested party, testified that as to his concerns that the removal of the special exception as requested would not adversely affect the continued use of the 50-acre tract as a cemetery.

The hearing was continued to allow Petitioners additional time to supplement the record regarding the original special exception as to whether or not the 169 acres had been used as a cemetery.

At the hearing held on November 30, 1990, Petitioners called Susan Farinetti and William Ensor, Jr., both Sanitarians with the Baltimore County Department of Environmental Protection and Resource Management (DEPREM). Testimony presented indicated they both had been present at

- 4 -

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-7-SPH
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the removal of the Special Exception allowing the use of the property as a cemetery.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon completion of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Koren Realty Corporation (Type or Print Name) Signature Steven Koren, President One Center Park Drive, Suite 207 Columbia, Maryland 21045 City and State	Legal Owner(s): Alan Shechter, et al. (Type or Print Name) Signature (Type or Print Name) Signature
Attorney for Petitioner: Robert A. Hoffman (Type or Print Name) Signature 210 Allegheny Avenue Towson, Maryland 21204 City and State	2303 North Charles Street Baltimore, Maryland 21208 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Robert A. Hoffman Name 210 Allegheny Avenue Towson, Maryland 21204 Address 823-4111 Phone No.
Attorney's Telephone No.: 823-4111	

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 5th day of September, 1990, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date 11/14/91
By [Signature]
ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR DEBATE - 1/2 HR.
MON. TUES. WED. - NEXT TWO MONTHS
REVIEWED BY: CAM DATE 9/10/90

various times of percolation tests and that neither saw any evidence of any burials on the subject 169 acres. Thereafter, Petitioner called Joseph W. Hopkins, III, holding both an M.A. and a Ph.D. in Anthropology from the University of Chicago. The educational qualifications of Dr. Hopkins were not disputed by anyone appearing at the hearing. Testimony indicated that Dr. Hopkins' investigation included an extensive field inspection of the subject property, background research into historic records and maps for evidence of historic cemeteries in the vicinity of the subject site, and archeological investigations made at locations of burials reported by Petitioner as having occurred between 1961 and 1983 on the property. His findings are contained in a report dated November 27, 1990 to Stephen S. Koren, identified as Petitioner's Exhibit 7. As a result of his extensive investigation, it was Dr. Hopkins opinion that there had been no burials made on the subject 169 acres.

Before closing their case, Petitioners introduced Petitioner's Exhibit 8, the affidavit of William S. March, President of King Memorial Park. Mr. March was unable to appear at the second hearing as he was out of town. His affidavit indicated that King Memorial Park, Inc. purchased the 50 acres of land on which it exists in June, 1976, that Mr. March has been actively and continuously involved in the business of selling burial lots and performing burials at King Memorial Park since 1973, and at no time has King Memorial Park made any burials outside of the 50 acre tract depicted on Petitioner's Exhibit 1. Further, his affidavit indicated that Mr. March was not aware of any burials by any other persons on land bordering King Memorial Park since their purchase of the 50 acres.

After due consideration of the testimony and evidence presented, it appears that the special hearing to remove the special exception for

- 5 -

use of the subject 169 acres as a cemetery, in accordance with Petitioner's Exhibit 1, should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1991 that the Petition for Special Hering to remove the special exception for use of the subject 169 acres as a cemetery, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING
Date 11/14/91
By [Signature]

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
January 14, 1991
887-3353

Robert A. Hoffman, Esquire
210 Allegheny Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NW/Corner Dogwood Road, 170' NW of Wrights Mill Road
2nd Election District - 1st Councilmanic District
Alan Shechter, et al - Petitioners
Case No. 91-7-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: Mr. Erich March
5719 York Road, Baltimore, Md. 21212

Ms. Deborah Stein
4832 Carmine Avenue, Baltimore, Md. 21207

Mr. Robert Hocutt, President
Greater Patapsco Community Association
2615 Ridge Road, Baltimore, Md. 21207

Ms. Mary Lou Dorsey-Butler
1701 1/2 N. Ellamont Street, Apt. 10, Baltimore, Md. 21216

People's Counsel
File

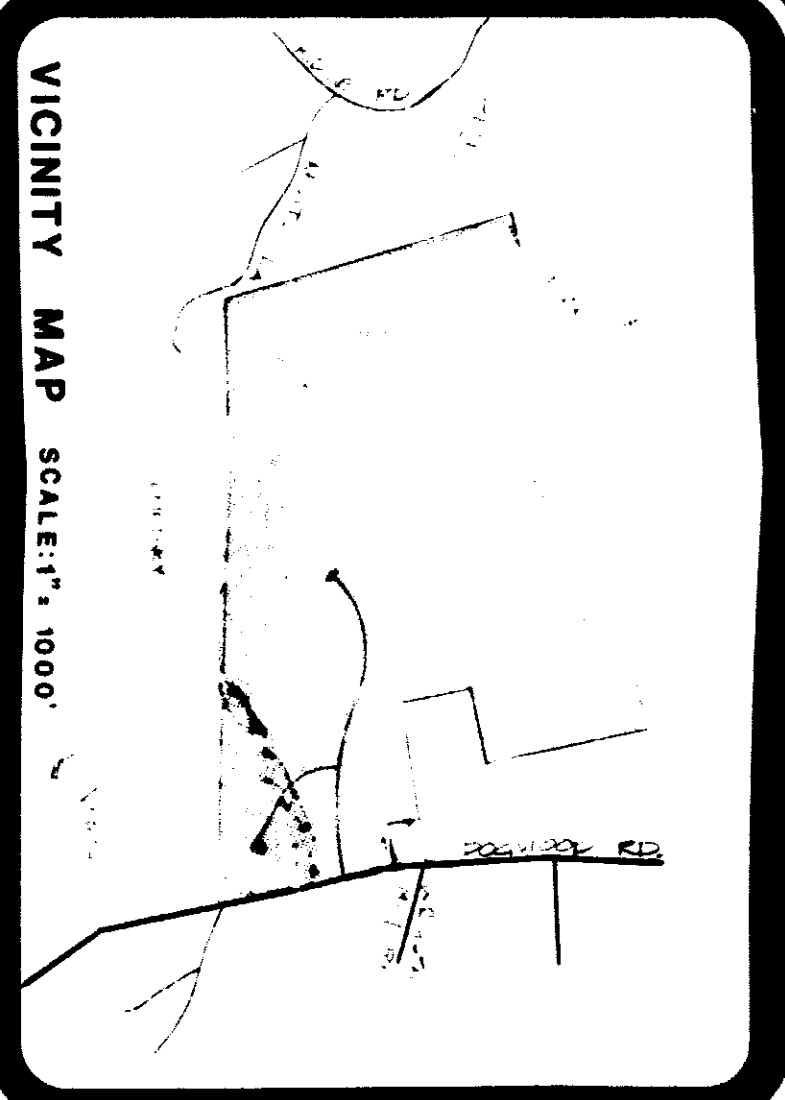
[illegible]

NOTE 'A' THE DEVELOPER INTENDS TO FURTHER DEVELOP THE PROPERTY IN ACCORDANCE WITH THE APPLICABLE ZONING AT THE TIME OF DEVELOPMENT.

ZONING NOTES:

[illegible]

GENERAL NOTES



OWNER / DEVELOPER
KOREN REALTY CORPORATION
ATTN. C. WAYNE CAPLES
SUITE 207, ONE CENTRE PARK DRIVE
COLUMBIA, MARYLAND 21045
(301) 740-1010

C.R.G. PLAN

BALTIMORE COUNTY, MD.

SHECTER PROPERTY

ELECTION DISTRICT No.

PUBLIC SERVICES C.R.Q. No. 90005

PLANNING No. II-448

DST & A

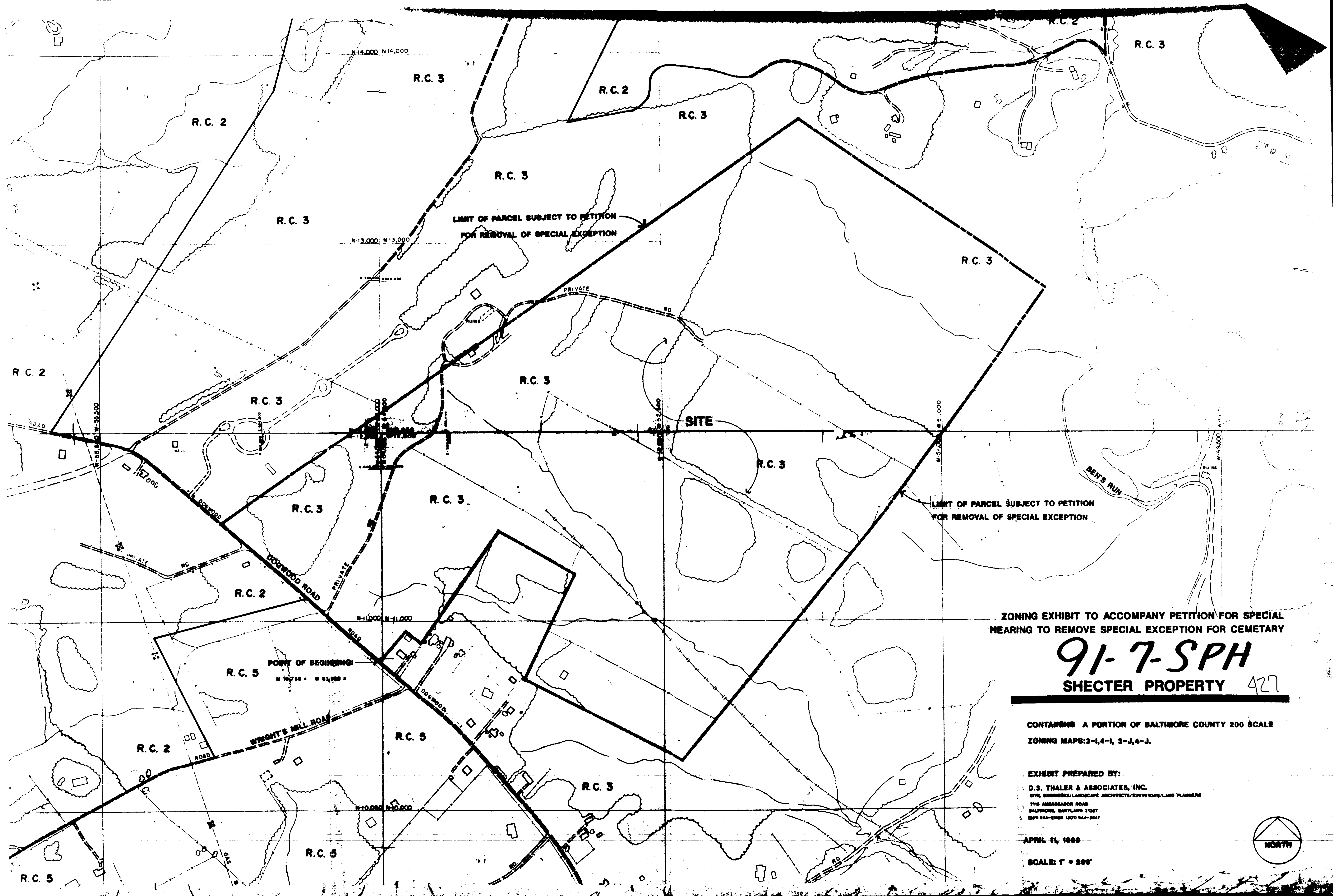
D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS SURVEYORS
LANDSCAPE ARCHITECTS LAND PLANNERS

**7115 AMBASSADOR ROAD
BALTIMORE, MD. 21207
(301) 944-3647**

[illegible]

PROJECT No. 1023
SHEET No. 1
OF 1





RETURN OF PRIVATE PROCESS SERVER

belief.

Barbara A. White
Barbara A. White

SUBPOENA

Witness: Susan Farinetti, Supervisor
Water and Sewer Department
Department of Environmental
Protection and Resource
Management
Address: 401 Bosley Avenue
County Courts Building
Towson, Maryland 21204

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

J. Robert Haines
Zoning Commissioner of
Baltimore County

RETURN OF PRIVATE PROCESS SERVER

Barbara A. White

SUBPOENA

Witness: William W. Ensor, Jr.
Department of Environmental
Protection and Resource
Management
Address: 401 Bosley Avenue
County Courts Building
Towson, Maryland, 21204

Robert A. Hoffman, Esquire
Venable, Baetjer, and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

more County.
J. Robert Haines
Zoning Commissioner of
Baltimore County

ENTRY OF APPEARANCE

RECEIVED
SEP 4 1990
ZONING OFFICE

Peter Max Zimmerman
Peter Max Zimmerman

Containing 188.14 acres of land, more or less.
This description comes from the best available information,
and does not represent an actual field survey.

District: 2nd. Date of Posting: August 8, 1992
 Posted for: Special Hearing
 Position: Alan Spector, et al
 Location of property: N.W.C. Logwood Road, 170 N.W. Wrights Mill Road
 Location of Sign: North side of Logwood Road, approx. 200 feet north west of Wrights Mill Road
 Remark: _____
 Posted by: S.J. Givata Date of return: August 17, 1992
 Number of Signs: 2

District 2nd
 Posted for: Special Hearing
 Petitioner: Alan Suckley, et al
 Location of property: N.W. corner Leguared Road, 170' N.W. Wrights Mill Road.
 Location of Sign: N.E. of Leguared Road, approx. 250' N.W. of Wrights Mill Road.
 Remarks:
 Posted by: L.J. Quate
 Number of Signs: _____
 Date of return: November 9, 1980

TOWSON, MD., 8/10, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 8/1, 1990

THE JEFFERSONIAN

Stefhe Olson
Publisher

P.O. 106224
\$ 80.46

Date		H#
6/10/70		H9
PUBLIC HEARING FEES	QTY	PRICE
1. SPECIAL HEARING FEE		\$75.00
LAST NAME OF OWNER: SCHNEIDER	TOTAL:	\$75.00
<p>check from Venable, Butcher and Harbo</p> <p>#036467</p>		

B B 015*****17500:a 8048F
Please make check payable to: Baltimore County

[illegible]

CERTIFICATE OF PUBLICATION

Pikesville, Md., 8/1 19 90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 2nd day of August 19 90

the first publication appearing on the 1st day of August 19 90
the second publication appearing on the 1st day of August 19 90
the third publication appearing on the 1st day of August 19 90

THE NORTHWEST STAR

Manager *Jim Bule*

Cost of Advertisement \$32

LEGAL NOTICE

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-7-SPH
W/C Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Shecter, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: FRIDAY, SEPTEMBER 5, 1990 at 2:00 p.m.

Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.

Science Club Reunion Planned

Former members of the Science Club of Baltimore (Alpha & Beta Chapters) are planning a reunion on Sat., Sept. 22. Place & time to be announced. Any members interested in attending, please call Chik Paper at 358-3242 or Harold Katz at 486-4151.

Bicycle Club Weekend Riders

The Baltimore Bicycle Club has

Ostrow-Hayes Engagement

Mrs. Beverly Hasky of Dundalk and Mr. Horton Ostrow of Owingsville are pleased to announce the engagement of their daughter, Gail Ostrow, to Quinton Hayes the son of Mr. and Mrs. James Hayes of Elkton City. The wedding will be held on October 20, 1990.

T.G.I.F. Exercise Classes at BCGH

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

LEGAL NOTICE

The 1989 Annual report of the Kimberly Bero Memorial Scholarship Fund, Inc. is available from the below noted address. For a copy of the report, please forward a postage paid, self-addressed envelope by air mail to the address below. The report will be mailed to you by air mail by any citizen who so requests within 180 days after publication of this notice of availability.

Account: R 001-6150
Number: 3337

91-7

04404#0004#1CHRC \$137.46
BA 002#05PN09-05-90
Baltimore County BUSINESS DAY

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Alan Shecter, et al
2303 N. Charles Street
Baltimore, Maryland 21218

Re: Petition for Special Hearing

CASE NUMBER: 91-7-SPH
W/C Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Shecter, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: WEDNESDAY, SEPTEMBER 5, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that \$137.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the zoning office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs

cc: Robert A. Hoffman, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 12, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-7-SPH
W/C Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Shecter, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: WEDNESDAY, SEPTEMBER 5, 1990 at 2:00 p.m.

Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Alan Shecter, et al
Koren Realty Corporation
Robert A. Hoffman, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

October 18, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 91-7-SPH
W/C Dogwood Road, 170' N.W. Wrights Mill Road
2nd Election District - 1st Councilmanic
Legal Owner(s): Alan Shecter, et al
Contract Purchaser(s): Koren Realty Corporation
HEARING: FRIDAY, NOVEMBER 30, 1990 at 9:30 a.m.

Special Hearing: The removal of the Special Exception allowing the use of the property as a cemetery.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: See attached copies for envelopes.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 24, 1990

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 427, Case No. 91-7-SPH
Petitioner: Alan Shecter, et al
Petition for Special Hearing

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Alan Shecter
Mr. Steven Koren

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 20th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Alan Shecter, et al

Petitioner's Attorney: Robert A. Hoffman

Baltimore County Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

June 27, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 427
Property Owner:
Contract Purchaser:
Location:

Z.A.C. June 26, 1990
Alan Shecter
Koren Realty Corp.
Dogwood Road, 170 ft. N.W. of Wrights Mills Road.

Existing Zoning:
Proposed Zoning:
Area:
District:

R.C. - 3
Special Hearing to remove Special Exception for a cemetery.
166.14 acres
2nd Election
1st Councilmanic

Dear Mr. Haines:

Please see the C.R.G. comments for this site.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSP/lw

RECEIVED
JUL 12 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Alan Shecter, et al., Item No. 427

The Petitioners request a Special Hearing for the removal of the special exception allowing the use of the property as a cemetery.

In reference to the Petitioners' request, staff offers the following comments:

- The proposed project was subject to a CRG hearing (VIII-566) which was continued pending the outcome of the instant case.
- The Office of Planning and Zoning provided comments at the above-mentioned CRG; these comments are offered for the Zoning Commissioner's review. (See attached)

Should the Petitioners' request be granted, staff recommends a fence be erected between the cemetery and the proposed residential subdivision. Said fence should meet the approval of the community.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
Attachment (1)

ITEM427/ZAC1

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: May 18, 1990

PROJECT NAME: Shecter Property Continued Meeting 2:30 P.M. PLAN

PROJECT NUMBER: VIII-566

This plan proposes construction of 48 single family homes and parcel "A" situated on 166.14 acres of land zoned RC 3. The site is located on the northeast side of Dogwood Road and on the east side of Kratz Lane.

1. This property is encumbered by a special exception use as described in zoning case #5081 XA. The Office of Planning and Zoning will not recommend final action on this CRG plan prior to the Zoning Commissioner's approval of a reduced special exception area that releases the subject tract from the special exception use.
2. This proposed development is in close proximity to active agricultural operations. It is the developers responsibility to advise future homeowners that agriculture has a preferred use status and that odors, noise, dust, farm equipment, livestock operations and agricultural chemicals (pesticides, fertilizer, herbicides and other control agents) may be in active use.
4. Because the portion of the site which includes Lots 1 to 15 contains little or no natural vegetation, this office recommends compliance with the following minimum standard established by Section IX 8.1.a. of the Baltimore County Landscape Manual: Street trees are recommended to be planted at 40 foot intervals along all public roads within this section.
5. The lots fronting on Dogwood Road should have use in common driveways in order to consolidate points of access.

A:CRG66.txt

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

CRG DATE: 5/18/90
(Continued from 3/8/90)
PRE-CRG DATE: 5/7/90

PROJECT NAME: Shecter Property
PLAN: 4/17/90
REV.: 5/1/90 REV.:

LOCATION: W/S Dogwood Road
opposite Wrights Mill Road

DISTRICT: 2c1

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify at least one obvious conflict with the Baltimore County Zoning Regulations and other details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, and developer or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Requests".

1. HISTORY - ZONING HEARING REQUIRED -- The current zoning of the subject property is R.C.-3 with a special exception in place on the property for a cemetery. The special exception granted on 10/31/60, Case #5081-X, by then Deputy Zoning Commissioner, must be amended and removed from this property by a public special hearing before the Zoning Commissioner prior to zoning approval of any other use. Provide a reduced scale plan of the original overall cemetery property and show the 50/166 acre split. Expand note 422 and reference the previous zoning hearing, what was granted and the date conspicuously on the plan. (See comment 31 made on 3/8/90.)
2. DENSITY/AREA - CEMETERY USE -- Provide accurate gross and net area calculations in compliance with the following: Net Area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; Gross Area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see zoning policy RSD-3).

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Shecter Property
CRG DATE: 5/18/90
PRE-CRG DATE: 5/7/90
PAGE 2

Use the gross development area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

Note on the plan under the density calculation: "THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE . . . THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS. ALSO, THE OWNER AND DEVELOPER'S ENGINEER HAS CONFIRMED THAT THERE NEVER WAS A CEMETERY USE ESTABLISHED ON THE PROPERTY NOR ANY GRAVESTONES EVER LOCATED ON THE PROPERTY". If a cemetery use exists or there are graves on-site, this area must be subtracted from the available gross acreage available to compute permitted density. Confirm that the Consolidated Gas and Electric right-of-way is owned in fee by the owner/developer and that the area was included in the gross acreage. Note: "RESIDUAL" parcels shown under all parcel "TV" designations and amend "Parcel A density note". Correct R.C.-5 to R.C.-3 and reword the last 2 lines to "FUTURE DEVELOPMENT PLANS ON THE "RESIDUAL" PARCEL A PORTION OF THE PROPERTY (119.47 ACRES) WILL NOT CONFLICT WITH THE "ZONING COMMISSIONER'S NOTE" WHICH APPLIES TO THE DENSITY SELF-SUFFICIENT, DEVELOPED PORTION OF THE PLAN (46.67 ACRES)."

3. GENERAL --- Clearly indicate the ownership and use of all areas within the development acreage that is not lotted. Provide clear, bold and complete dimensioned proposed individual lot boundaries and include individual proposed lot acreages on the plan print.

4. Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of the required zoning hearings and finally, the inclusion of the F.D.P. checklist information being included on the Final Development Plan.

ADDITIONAL FOR THE 5/7/90 PLAN

5. The zoning office will only approve a CRG plan that includes all zoning notes CLEAR,BOLD, AND LEGIBLE.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 27, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALAN SHECTER
Location: NWC DOGWOOD ROAD
Item No.: 427 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *CH/John Kelly* Noted and Approved *Cap Wm F. Buckley*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C. E. B.

SUBJECT: ZONING ITEM #: 427
PROPERTY OWNER: Alan Shecter, et al/ Contract Purchaser: Koren Realty Corp.
LOCATION: NWC Dogwood Rd., 170' W/Sly Wrights Mill Rd R. C. -3.
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER - NO ADDITIONAL COMMENTS

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438

For Item 427, the previous County Review Group comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E. CHIEF
Developers Engineering Division

RWB:s

Greenhorne & O'Mara, Inc.
MAIN OFFICE • 9001 EDMONSTON ROAD • GREENBELT, MD. 20770 • (301) 982-2800
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

October 17, 1990

Mary Lou Dorsey Butler
1701 1/2 N. Ellamont Street, Apt. 10
Baltimore, MD. 21216

Dear Ms. Butler:

I understand you testified in zoning hearings for the Shecter property, near the Martin Luther King Memorial Cemetery, in Baltimore County. I was told you had some information on a possible Black slave Cemetery. I have been engaged by Koren Realty Corporation to try to determine if the cemetery is on the property, and, if so, to develop measures to protect the cemetery.

I would like to get together with you to talk about your information, to help me in locating this important cemetery. Could you please call me at (301) 982-2800, during the day, or at home in the evenings before 10:00 at (301) 444-7819. I live in Baltimore, so if you call me at home it should be a local call. I also enclosed a self addressed stamped envelope in case you prefer to write me to give me a phone number where I can reach you, or suggest another method of getting in touch with you.

I look forward to talking with you. Both my client and I are very concerned that we not inadvertently allow any damage or disrespect to this cemetery, if it is on the property.

Sincerely,
Joseph W. Hopkins
Joseph W. (Jody) Hopkins, III
Senior Environmental Scientist

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • BALTIMORE, MD • CULPEPER, VA • DULUTH, GA • EXPORT, PA
FAIRFAX, VA • FREDERICKSBURG, VA • GREENBELT, MD • LEESBURG, VA • MANASSAS, VA • ORLANDO, FL
RALEIGH, NC • ROCKVILLE, MD • TAMPA, FL • WASHINGTON, DC • WEST PALM BEACH, FL

Slaves

From A1

slave barracks" on the Katter farm. Using the large number of the boys owned by the Worthingtons, Butler said, there had to be slave barracks all through there and if there are slaves they need to have a proper burial. "We would like to have a field trip back there," Johnson said. The county requested the Maryland Historical Trust last April to "stabilize" the area because of the possibility of unmarked slave burials and other historical sites being there. Johnson and Butler asked Shasta Rowley to direct the developer to proceed with caution because of the possibility of burial sites on the property. Steven Korman, whose Korman Realty Corp. is the developer and contract purchaser of the property, said his experts had gone over the land but did not uncover any burials. His firm closely examined the land, he said, and are the office of Planning and Zoning had informed his office that there was "nothing" about the presence of slave burial sites. Wayne Caples, who testified that he examined the property for Korman Realty, said he found "nothing" but "a lot of deep graves and some soil lands." He said it was "highly unlikely" that there would be burials. "I think the County Council who attended the hearing, disagreed whether the burials were there," she noted.

many trees were only 2 inches in diameter and that there are several flat sites. David S. Thaler, whose land architectural firm assisted with planning the housing development, testified, there is "no evidence that we can find anywhere" of records of burials on the site. He added that there are no memorial stones, there are no "highest and best" evidence there. "We examined those areas very carefully and there's nothing there," Thaler said. Shyster, who said his family purchased the property in 1960, testified that he did not believe there are burials there. However, he testified that at one point he was deceived by a burial director into believing the land was used for burials, and he wrote a letter to the zoning commission in October 1983 explaining that. The burial director, Shyster said, had wanted to purchase the land. Later, the burial director told Shyster the land was not used for burials. Shyster said he had been deceived he wrote a second letter to the zoning commission in July 1984 in an attempt to clarify the use of the property. But Shyster's second letter cannot be found in the county's official file on the property. "The later letter is not enough to say as 'I'm concerned'," said Korman. She asked the hearing continue to a future date.



David Smith photo
Butler said she doesn't know whether her ancestors' relatives who were slaves are buried in a backhoe road properly sited for development. If so, she would like to recover their remains for a "proper burial."

Woman seeks to solve mystery of slave gravesites

DAVID SMITH photo
Butler said she doesn't know whether her ancestors' relatives who were slaves are buried in a backhoe road properly sited for development. If so, she would like to recover their remains for a "proper burial."

the deputy county zoning commissioner, in whose court the matter is being heard, said the matter is a simple family reunion. Butler said she began to wonder about her family's past when she learned that her great-grandfather, who was a slave, had been buried in a backhoe road. Butler said she is anxious about the possibility of uncovering her ancestors' remains. Butler said she is anxious about the possibility of uncovering her ancestors' remains. Butler said she is anxious about the possibility of uncovering her ancestors' remains.

THE JULIAN BRANCH OF THE ASSOCIATION FOR THE STUDY OF AFRICAN AMERICAN LIFE AND HISTORY

3728 Pikeswood Drive
Randallstown, Maryland 21133
September 26, 1990

Mr. Robert Haines
Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Sir:

The Association for the Study of African American Life and History (ASALH) is a seventy-five year old organization dedicated to the study, maintenance, and perpetuation of the narrative of the African Diaspora throughout the world, and specifically, the African American experience in the United States. The preservation of those things relative to the African American life-styles, both in the historic and contemporary sense, is paramount to the work and activities of all of the branches of ASALH throughout the United States. Our branch is concerned, of course, with the total and inclusive presence of African Americans in the historic and current development of Baltimore County.

It has come to our attention that a gravesite located in Granite, in Baltimore County, quite possibly is a site relative to the African American experience in this county: a slave burial ground. It is, also, our understanding that there is an attempt to have that acreage developed for housing. If these things are, indeed, the case, then certain actions need to be taken in order to arrive at the truth or facts.

The Julian Branch of ASALH is, therefore, requesting that a thorough search or sweep of the Shyster property, suspected of being that slave gravesite, be made, using ground penetrating radar. We are sure that this process will help all concerned arrive at the correct determinations. Before any housing development, or any other kind of development, for that matter, be considered for that property, such action ought to, and should, be considered and taken with all deliberate speed.

I, along with this membership, am certain that you can understand the urgency of this matter, and will, therefore, take the appropriate action. A matter of this importance, especially to the African American Community, deserves a response; so a reply from you would be most appreciated and expected.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Allegheny Ave
Paul Gnsbrueck	11
Phyllis Friedman	111 W. Ches.
Steve Skelton	9241 Aberdeen Rd. Greenbelt, MD 20770
Joseph W. Hopkins III, PhD	401 Forsyth Ave Towson, Md 21204
William W. ENSOR, Jr., R.S.	401 Forsyth Ave Towson, Md 21204
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PLEASE PRINT CLEARLY

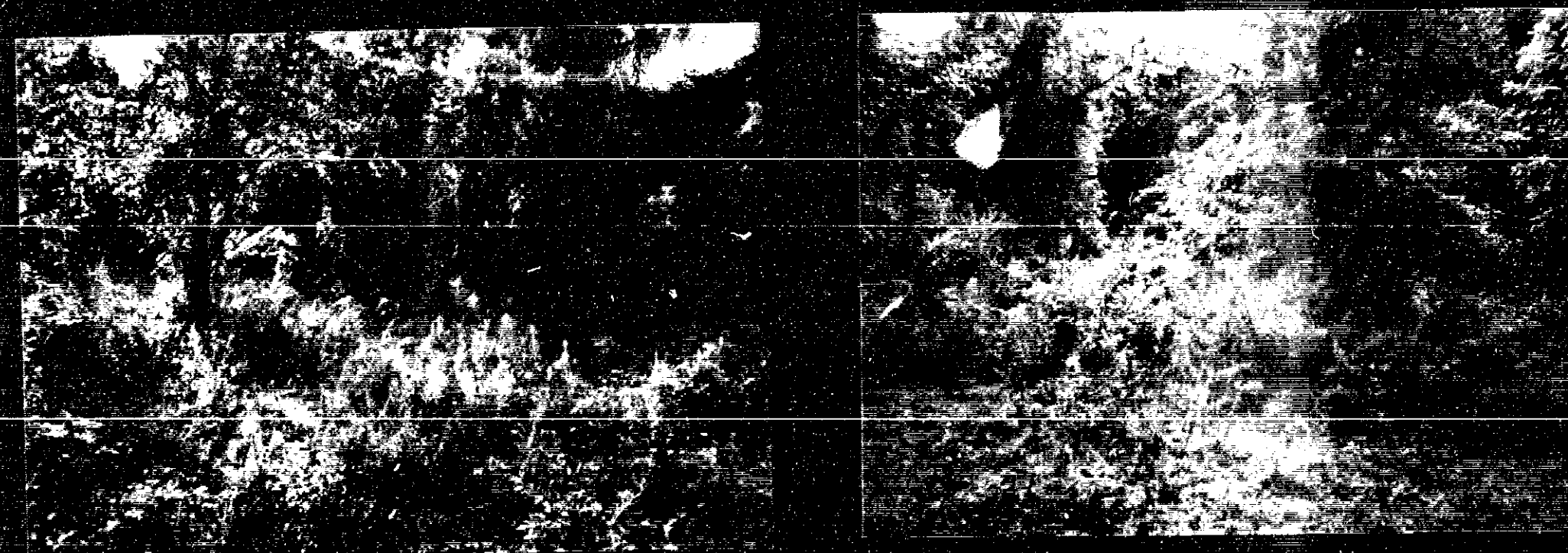
PETITIONER(S) SIGN-IN SHEET

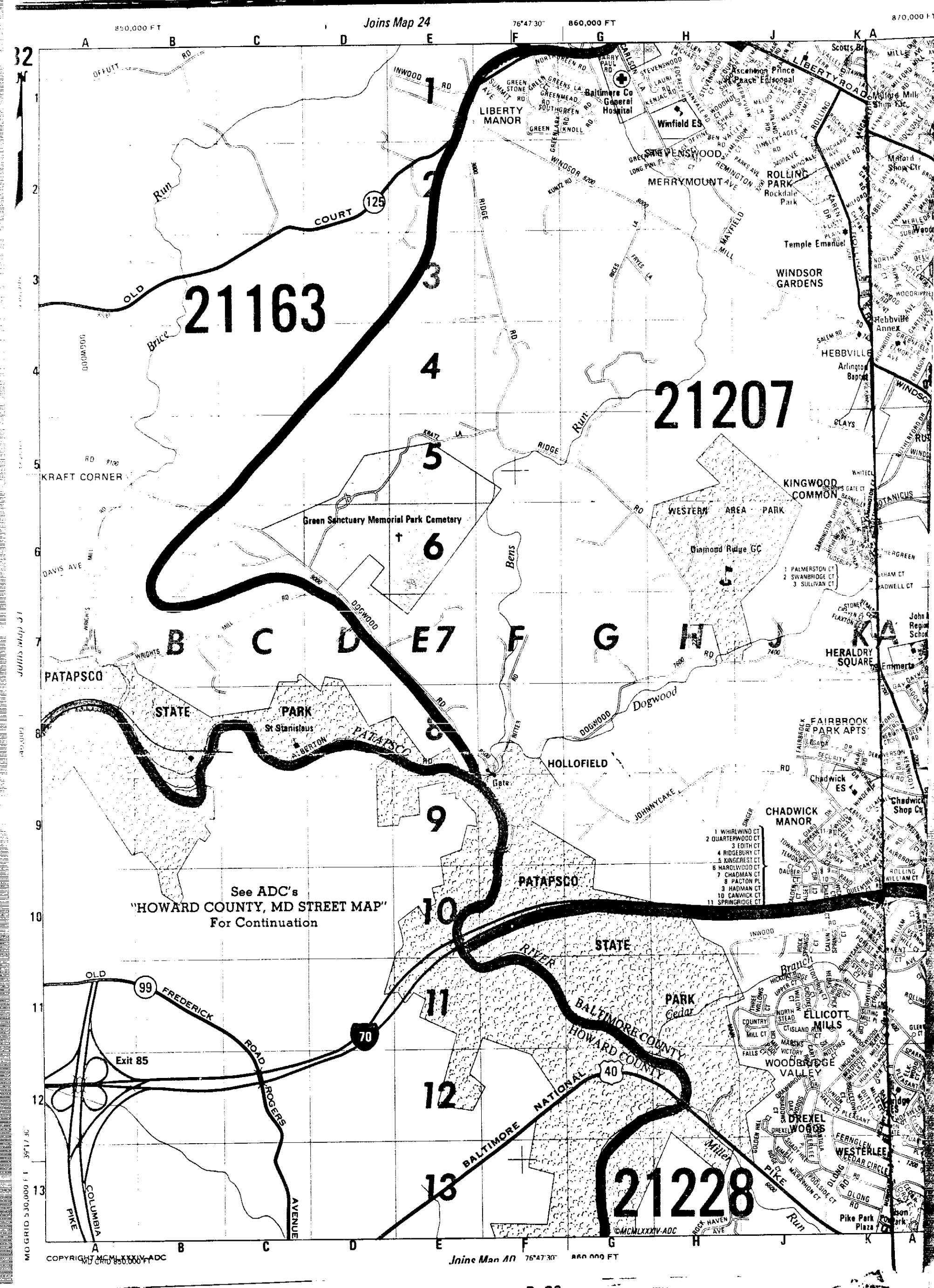
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PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Allegheny Ave
Paul Gnsbrueck	11
Phyllis Friedman	111 W. Ches.
Steve Skelton	9241 Aberdeen Rd. Greenbelt, MD 20770
Joseph W. Hopkins III, PhD	401 Forsyth Ave Towson, Md 21204
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William W. ENSOR, Jr., R.S.	401 Forsyth Ave Towson, Md 21204

- Petition's Exhibit 1 - Plot
- 2 - Road Map
- 3 - 5018-A
- 4 - Ltr - 12/1/83 -
- 5 -
- Photos 5A-1a 2b
2c 2b
3a 3b
4a 4b
- 6 - Resume of Dr. Hopkins
- 7 - Report of Dr. Hopkins
- 8 - Affidavit of W. W. ENSOR, Jr., R.S.





Alan Shecter Realty Ventures

July 12, 1984

Re: Special Exception
Case #5801-VA

Honorable Arnold Jablon, Esq.
Zoning Commissioner
Baltimore County Office Building
Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Dear Commissioner Jablon:

I am embarrassed to write to inform you of mistaken information that I communicated to you in a letter dated last October 14, 1983 concerning the above-referenced Baltimore County zoning case.

In my October 14, 1983 letter, I stated (mistakenly) that several burials had occurred at different times and in several locations on the site. I am writing to correct the October 14th letter. No burials have ever been made on the 169 acres remaining in my family's ownership. At one time, there was a plan to make such interments as I indicated but I have learned last week that that plan was not implemented.

Only one burial was made in the entire 219 acre tract, which apparently was all that was required under county zoning regulations to secure the special exception for cemetery. The approximate location of that burial is indicated on the enclosed plat. It took place in 1961.

Since your letter dated December 1, 1983 stated that "the sale of a portion of the cemetery does not effect the status of the Special Exception," it would not have been necessary to have more than that one burial to secure the special exception. Thus, I assume that this letter of correction of the facts does not alter the opinion expressed in your letter.

I did feel that I should correct the incorrect information previously given to you, for which I apologize. However, I assume no harm has been done.

With all best wishes,

Yours truly,

Alan Shecter

**PETITIONER'S
EXHIBIT 5**

Left Three
517 N. Charles Street
Baltimore, Maryland 21201
(301) 685-1030
United Partnership Investments
Real Estate Brokerage
Tax/Insurance/Exchange
Property Management

OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON 4, MARYLAND

Bowling, Inc.
301 Old Town Bank Bldg.
Baltimore 2, Md.

Billing Bowling

ACCOUNT NO. 01622

Advertising and signs - Bowling Inc.

TOTAL DUE
\$ 40.00

1. MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
2. DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
3. RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

**PETITIONER'S
EXHIBIT**

GREENHORNE & O'MARA, Inc.

JOSEPH W. HOPKINS, III
Senior Archaeologist

Ph.D., Anthropology, University of Chicago, 1974
M.A., Anthropology, University of Chicago, 1968
B.A., Anthropology, University of Pennsylvania, 1965

PROFESSIONAL BACKGROUND

1988 to Present: Greenhorne & O'Mara, Inc., Cultural Resources
1987 to 1988: Environmental Specialist (Archeology)
Maryland Department of Transportation, State Highway Administration, Environmental Management Section
1986: Archeologist, for Norma Wagner, Consulting Archeologist for Phase I and Phase II investigations
1984 to 1986: Archeologist, Historic Annapolis, Inc., Supervising excavations, background research, report writing, and grant writing
1985: Field Assistant, Maryland Geological Survey, Excavations on a 19th century farmhouse in southern Calvert County, Maryland
1976 to 1984: Cultural Resources surveys for various government agencies and private engineering firms in Southwestern Oregon and Northern California
1968 to 1970: Ph.D. Research, Cuicatlan, Oaxaca, Mexico
1965: M.A. Research under Pedro Armillas in the Valley of Mexico
1965 to 1966: Lab Assistant, Walker Museum, University of Chicago, Analysis of Moustarian Material
1965: Expedition Photographer, Winchester Excavations Committee, Winchester, Hants, England
1965: Lab Research for the D.A. Honors Thesis, "The Braden Branch Site, Tennessee"
1963, 1964: Field Assistant, TVA Salvage Excavations, Supervised by the University of Tennessee
1961, 1962, 1965: Laboratory Assistant, Anthropology Department, Frank H. McClung Museum, University of Tennessee

ORGANIZATIONS

American Anthropological Association
Society for American Archaeology
Society of Professional Archaeologists
Archaeological Society of Maryland
Council of Maryland Archaeologists
Council for West Virginia Archaeology
Pennsylvania Archaeological Council



Greenhorne & O'Mara, Inc.
MAIN OFFICE • 9061 EDMONSTON ROAD • GREENBELT, MD. 20770 • (301) 982-7800
ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

November 27, 1990

Mr. Steven S. Koren
Koren Development Company, Inc.
One Centre Park Drive, Suite 207
Columbia, MD. 21045

Dear Steve:

The following is a letter report of the historical and archeological investigations of the Shecter property. A field investigation of the property was made. In addition, background research into historic records and maps was conducted for evidence of historic cemeteries in the vicinity of the property. The property was traversed by pedestrian survey. Field visits and archeological investigations were made at the locations of burials reported by Mr. Alan Shecter as having occurred between 1961 and 1983 on the property. No evidence was found for an earlier historic Black cemetery or any other grave sites on the property. It was determined that there is no evidence that burials occurred on the property between 1961 and 1983 on the property at the locations reported by Mr. Shecter. The methodology and results of the investigations that led to these conclusions are presented in detail below.

The Problem:

Mr. Alan Shecter obtained a special exception from the Zoning Commission of Baltimore County to develop a 219 acre parcel as a cemetery. In 1973, 50 acres of the 219 acres were sold and have continued to be used as a cemetery. This parcel is currently the King Memorial Park. On October 14, 1983, Mr. Shecter wrote the Zoning Commissioner, Mr. Arnold Jablon. In this letter Mr. Shecter stated that burials had been made on the property, and provided a map showing the location of five burials within the 169 acres remaining in his ownership (Figure 1). At that time, Mr. Shecter requested confirmation from the Zoning Commissioner that his special exception status still was applicable to the 169 acre portion of the property still in his ownership.

Subsequently Mr. Shecter stated that burials had only been made in the 50 acre parcel which is now the King Memorial Park. The remaining 169 acres were sold to Koren Development Company, Inc. In a zoning hearing on the property they were developing, in addition, Ms. Mary Lou Dorsey Butler testified at the zoning commission meeting that "folklore" reported that there was a Black historic cemetery somewhere in the vicinity of the property, associated with the plantation of which the property was once part.

ANNAPOLIS MD • ATLANTA GA • AURORA CO • BALTIMORE MD • CULPEPER VA • DULUTH GA • EXPORT PA
FAIRFAX VA • FREDERICKSBURG VA • GREENBELT MD • LEESBURG VA • MANASSAS VA • OPLAND FL
RALEIGH NC • ROCKVILLE MD • TAMPA FL • WALDORF MD • WEST PALM BEACH FL

PETITION FOR SPECIAL HEARING • BEFORE THE
SECOND ELECTION DISTRICT • ZONING COMMISSIONER
FIRST COUNCILMANIC DISTRICT • OF BALTIMORE COUNTY
ALAN SHECTER, ET AL
KOREN REALTY CORPORATION • CASE NO. 91-7-SPH
PETITIONERS

AFFIDAVIT OF WILLIAM C. MARCH

I, William C. March, hereby declare and affirm as follows:

1. I have personal knowledge of the matters and facts set forth in this Affidavit and am competent to testify thereto.
2. I am a resident of Baltimore County, residing at 703 Hampton Lane, Towson, Maryland 21204.
3. I am President of King Memorial Park, Inc., a Maryland corporation formed for the purpose of acquiring land and operating the King Memorial Park as described below.
4. In 1973, King Memorial Park, Inc., purchased an option to acquire land from Robert W. Baker, et al.
5. On June 7, 1976, King Memorial Park, Inc., purchased from Robert W. Baker, et al, fifty acres of land located in Baltimore County at 8710 Dogwood Road, Baltimore, Maryland 21207 now known as the King Memorial Park.
6. I have been actively and continuously involved in the business of selling burial lots and performing burials at King Memorial Park from 1973 to the present.

**PETITIONER'S
EXHIBIT 4**